

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:21-MC-11
2:19-CR-14
(KLEEH)

ROBERT JAMES TIFFNER,

Defendant.

**ORDER ADOPTING AMENDED REPORT AND RECOMMENDATION CONCERNING DRUG
COURT COMPLETION [ECF NO. 78] AND SCHEDULING SENTENCING HEARING**

On December 19, 2022, United States Magistrate Judge Michael J. Aloï issued an *Amended Report and Recommendation* ("R&R") [ECF No. 78], recommending that this case be remanded to the District Court due to Defendant Robert James Tiffner's ("Tiffner") completion of the Federal Drug Court Program.

The Magistrate Judge also directed the parties to file any written objections to the R&R within fourteen (14) days after service of the Amended R&R. He further advised that failure to file objections would "constitute a waiver of de novo review by the District Court and a waiver of appellate review by the Circuit Court of Appeals." Neither Tiffner nor the Government filed objections to the Amended R&R. Accordingly, this Court **ADOPTS** the Magistrate Judge's Amended R&R. ECF No. 78. The Court **REJECTS** as **MOOT** the Report and Recommendation [ECF No. 77].

USA V. TIFFNER

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The Office of Probation shall update the presentence investigation report with addendum and provide the same to the Court on or before **January 18, 2023**; and

Counsel may file any written sentencing memorandum or statements and motions for departure from the Sentencing Guidelines, including the factual basis for the same, on or before **January 25, 2023**.

The Court further **ORDERS** that prior to sentencing, counsel for Defendant review with him/her the revised Standard Probation and Supervised Release Conditions adopted by this Court on November 29, 2016, pursuant to the standing order entered by Chief Judge Groh, In Re: Revised Standard Probation and Supervised Release Conditions, 3:16-MC-56.

The Court will conduct the **Sentencing Hearing** for Defendant on **February 9, 2023**, at **3:00 P.M.**, at the **Elkins, West Virginia** point of holding court. If counsel anticipates having multiple witnesses or an otherwise lengthy sentencing hearing, please notify the Judge's chamber staff so that an adequate amount of time can be scheduled.

It is so **ORDERED**.

USA V. TIFFNER

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COURT COMPLETION [ECF NO. 78] AND SCHEDULING SENTENCING HEARING**

The Clerk is directed to transmit copies of this Order to
counsel of record and all appropriate agencies.

DATED: January 4, 2023

Handwritten signature of Thomas S. Klee in black ink.

THOMAS S. KLEE, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA